

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 07-20608

Civil Case No. 11-14034

RICHARD LAYNE LABELLE,

Defendant.

**ORDER GRANTING DEFENDANT'S
"MOTION FOR PRODUCTION OF TRANSCRIPTS"**

On August 21, 2008, Defendant Richard LaBelle pleaded guilty to one count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), for which crime the court sentenced him to a term of 120 months imprisonment. The Sixth Circuit affirmed Defendant's conviction and sentence on appeal. On September 2, 2011, Defendant filed a motion in this court to vacate his sentence under 28 U.S.C. § 2255. After receiving the Government's response, on February 13, 2012, Defendant filed the instant motion, requesting that he be provided the transcript of his plea hearing at the expense of the Government.

Under 28 U.S.C. § 752(f), a court may require that the United States pay for a transcript requested by a § 2255 movant:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

28 U.S.C. § 752(f). The court determines that these circumstances have been met here. Accordingly,

IT IS ORDERED that Defendant's "Motion for Production of Transcripts" [Dkt. # 50] is GRANTED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 19, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 19, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522